IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 18 OF 2006

SHRI VASUDEV B. PRABHU VERLEKAR ....Petitioners
AND 7 ORS.,

Versus

THE CHIEF SECRETARY AND 2 ORS., ...Respondents

Mr. M.S. Usgaonkar, Sr. Advocate with Ms. G. Kale, Advocate for the Petitioners.

Mr. S.S. Kantak, Ag With Ms. G. Bhonsule, Aga For R. 1 And 2.
Mr. V.R. Tamba, Advocate for Intervenor.

Coram:- DR. S. RADHAKRISHNAN &
P.V. KAKADE, JJ.

Date:- 12th October, 2006

P.C.:

1. Heard the learned Counsel for the Petitioners, the learned Advocate General for the Respondents and the learned Counsel for the Intervenor.

2. After some arguments and also in view of the active endeavour and assistance of the learned Advocate General, all the parties and the Intervenor are agreeable for setting aside the impugned Order dated 6.01.06 and the Corrigendum/Order dated 10.02.06 which have been challenged in this petition. Under the aforesaid facts and circumstances, all the learned Counsel for the parties/Intervenor as well as the learned Advocate General state that no reasons need to be recorded for setting aside the said two orders.

3. Accordingly, both the Orders dated 6.01.06 and 10.02.06 passed by the Commissioner & Secretary (Revenue) stand quashed and set aside.

4. All the parties and the Intervenor are agreeable that the Mamlatdar will continue in administration of the temple till the new elected Managing Committee takes over on 1st April, 2007. All the parties and Intervenor are also agreeable that the Mamlatdar should be free to choose four names from among the Mahajans to act as ad-hoc committee to assist the Mamlatdar with regard to the functioning of the temple till the new committee takes over on 1st April, 2007. The learned Advocate General also assures that the Mamlatdar will take all necessary steps for holding election as contemplated under Article 40 of the Devasthan Regulations. It is also made clear that none of the parties and Intervenor will oppose the names chosen by the Mamlatdar and the Mamlatdar will be free to choose the names of four Mahajans on 29th October, 2006 when the general body meeting will be held on that day. The said choice will be made during the General Body meeting. The Mamlatdar while appointing four Mahajans in the ad-hoc committee, will obtain their consent for such an appointment.

5. It is also made clear that though we have set aside both the aforesaid Orders dated 6.01.06 and 10.02.06,the same will not prejudice the investigations before different authorities. .

6. Writ Petition stands disposed of. In view of disposal of the petition, Misc. Civil Application No. 184/06 also stands disposed of.

DR. S. RADHAKRISHNAN, J.

P.V. KAKADE, J.

sl.